soul together. The worst famine we ever had to face was in 1918 and it was weathered by the brave and unselfish devotion of the Rev. H. and Mrs. Parsons, to whose work amongst the Miao, were this book larger, we could easily devote a chapter. Suffice it to say that in the annals of our Church their names should be recorded in letters of gold. It was during this famine[1] that there was committed the only murder of which we ever knew a Miao to be guilty, and in this the pangs of hunger were the cause.

A young man out seeking food met an elderly man carrying a small bag of grain. They were near one of the many bottomless pits which are found upon these hills. No one was near and it was the work of a moment to snatch the bag, but in the scuffle the old man, slipping into the pit, was killed. When it became known, the village elders offered the youth a knife or a length of rope and told him they didn't wish to see him again. He chose the rope and, like Judas, "went away and hanged himself". There is a peculiarity amongst the Miao which has always been distressing to their friends. It is their tendency readily to commit suicide, it is said, a not uncommon feature amongst aboriginals. Such instances as the following are by no means exceptional: A boy and a girl who were very much attached to each other and forbidden by their parents to marry, hanged themselves with a single piece of rope. A little schoolgirl at Stone-Gateway who had been reproved by her teacher slipped

1 [OF 1918--ANALYST]

8: Graham E-5 (1921-1936) 1937 AE5 Miao AE5

769 Filial piety is the cardinal virtue and one of the main duties of a child is to commemorate and make offerings to his departed ancestors. All the memorial festivals but one are for this purpose and in all the seasonal festivals or those that come on regular dates throughout the year, offerings are made to the ancestors and they are commemorated in the usual way.

421 All property, such as tools, weapons, furniture, domestic animals, money, houses and fields, belongs to the family and after the death of the parents, when the family is broken up, it is divided among the sons of the deceased. Such things as clothing and personal ornaments belong to individuals.

671 Among the Ch'uan Miao there are no written laws. The customs and habits of the group are the laws and what is customary is right. Crimes are infractions against the customs or mores of the group.

619 622 There is no tribal organization. That is, there is no political organization that extends throughout the entire ethnic group. A locality may elect a headman, called a gy lʌu or old club, and the headmen of several different districts may cooperate for the general good, but the headmen are not bound together by an organization affecting the entire Ch'uan Miao region. If the Ch'uan Miao are a tribe, it is because they are physically related and have a common language, common customs, common ideals, and a common culture. These bind the people together more securely than could any political organization.

627 Minor offences may be settled between the two persons concerned. When this cannot be accomplished, the families of the two persons endeavor to solve the difficulty. In more weighty and difficult matters, the local headmen or a number of the older people of the district are called in. It is said that only one or two per cent of the worst cases are taken to the Chinese courts. The reasons are not far to seek. Litigation in Chinese courts is expensive and a Miao, since he is a member of a different race, is likely to be discriminated against. In addition he is at a disadvantage because he cannot read Chinese characters.

• 681 An offence or a grievance may be settled or recompensed for by the gift of a chicken, a duck, a pig, a goat or sheep, a cow, or some other object. Sometimes a beating is administered and sometimes the death penalty is exacted. It may be carried out by throwing the guilty party over a cliff or down a natural pit into the earth.

M P6. 29

/41 cont./

634 About twenty villages were under the jurisdiction of each great chief. He himself was elected for life by the plenary assembly of all the arms-bearing men of those villages over [666] which he was to rule. All the men over 16-17 years of age had the right to vote; women were excluded from voting.

It was left to each village to decide which great chief it wished to be under. If, therefore, after the death of a great chief who had ruled over twenty villages, twelve villages voted for one great chief and the remaining eight villages for another, two great chiefs were elected, and each one ruled over those villages that had elected him. As a consequence, after the death of each great chief the administrative unit changed, though this did not necessarily bring about a reduction in the size of the administrative units in the course of time, for every village wanted to be under the most powerful neighboring great chief.

634 687 There was an exception to the lifetime tenure of the great chief in case he was guilty of grave negligence. The village chiefs then convoked a new plenary assembly, which elected a new great chief. In any event, the election of the great chief took place in the largest village of the administrative district of the deceased or deposed great chief.

634 622 ● 681 The great chief had to appoint the village chiefs. Moreover, he was the judge in all important affairs. If he meted out fines, the money involved was distributed according to the following system: the first part was distributed in equal shares to the arms-bearing men within his district. The second part was double the amount of the first and was distributed in equal shares to the village chiefs. The third part, three times the amount of the first part, went to the great chief and constituted an important source of income for him. He derived additional income from the tax which had to be paid once a year and amounted to four piasters (equivalent to about one mark) per person and one piaster for each rice field. The great chief could use the money as he saw fit.

634 [681] [651]

/42/

634 In order to have his orders carried out, the great chief had
701 at his command all the arms-bearing men in his administrative district, but he was not permitted to abuse his power of command in such a way as to prevent his subjects from earning their livelihood.

622 As has been mentioned, the great chief appointed the
634 village chiefs (šǎu pā) in the villages under his jurisdiction. Like him, they were appointed for life unless they committed a grave offense. In such cases, the arms-bearing men of the
[692] village brought their complaints against their village chief to
[687] the great chief. The latter investigated the case and appointed another village chief if he felt that there was sufficient justification.

[692] The village chief was, first of all, the judge in all minor matters. Moreover, he had to collect the taxes for the great
[651] chief and see to it that the great chief's orders were carried out. Parallel to the authority of the great chief, the village
[701] chief had at his disposal the arms-bearing men in his village, to whom he gave corresponding orders. Naturally, therefore, the same limitations applied to him as to the great chief.

622 The great chief had four or five officials at his disposal;
624 the village chief had one official. The orders were first of all
634 conveyed to them, and they were called upon for any task that their superior assigned to them. They were paid either by the great chief or by the village chief, depending on who their superior was, from his own pocket. There were no other officials in the true sense of the word.

622 The village chief's income consisted of his share of the
634 aforementioned fines meted out by the great chief, also the
681 fines that the village chief himself imposed in minor cases, and the minor services that the men and women of his village performed voluntarily.

c) Popular Assembly

623 The popular assembly has special importance among the
634 Meau. There are two kinds of popular assemblies.

/249 cont./

847 Deliberate abortion is unknown.

681 The most common punishment is whipping, which the village chief may also order. It is meted out in connection [622] with lies, slandering, insults, and similar offenses and is ad- [683] ministered with a cowhide whip which is greased and made [689] pliable over a fire before being used. Moreover, whipping is often inflicted in addition to the frequent fines in money or property; it is also used when fines in money are not brought in. In such a case, one stroke is given for each piece of silver.

681 In cases of theft up to the value of ten pieces of silver, 685 the thief must simply return the stolen goods and, for the first such offense which is proved against him, is merely warned. Recidivous thieves, on the other hand, must expect corporal punishment, which is meted out in addition to fines in money or goods. Thus, recidivous thieves of produce, domestic animals, and similar goods may be sentenced to mutilation and to the amputation of the third, fourth, or fifth finger of one hand as well as half of the left ear. These punishments can also be meted out if a person is unable to pay the fine in money to which he was sentenced.

685 If the stolen goods represent a value of from 10 to 100 693 pieces of silver, fifty per cent more has to be paid as a fine, and in addition 20 to 30 pieces of silver has to be paid to the judge for his services. If the value exceeds 100 pieces of silver, the entire estimated cost of the loot, that is, 100 per cent, must be paid as a fine, and, in addition, far greater charges for the judge.

681 Imprisonment is unknown, as is emasculation or outright 567 selling into slavery. This seems to be in contradiction to the legal practice of handing over the children of debtors to the creditor for his disposal in lieu of payment. /250/ If one recalls, however, that among the Meau adoption is very common and that even traders deal in the trade of human beings only from this point of view of the Meau, be it for adoption or marriage, the apparent contradiction disappears.

/253 cont./

692 the office of judge for him. In such cases, if an appeal is made [622] against his decision, the village chief is then the next higher [596] court. In disputes within a large family, the head of the family [693] officiates. For serious decisions, assemblies under the chairmanship of the village chief or the great chief are convened, as I have reported in the chapter, "Political Organization."

695 The judge, with the help of witnesses, tries to determine the facts of the case. Special importance is attached to the testimony of the witnesses, and can be, according to my experience, because among the Meau the witnesses always tell the truth, at least subjectively. Dhuraratsadorn (1) seems to have

1. Page 170.

made similar observations: "They believe that the Meau witnesses always tell the truth. In case of a crime, the Meau seldom question witnesses. If someone accuses another, the accused is either convicted or punished, or he may deny his guilt, /254/ in which case a fine is imposed on the accuser in [681] favor of the accused. If it later turns out that he falsely denied [626] his guilt, he is expelled from the community and must leave the village, for otherwise he would be killed."

In case of a criminal offense for which there are no witnesses, the investigations are discontinued after three years. Nevertheless, there is no time limitation for crimes. Even if the perpetrator is not discovered until ten years later, perhaps accidentally, he is punished exactly as if he had just been caught in the act.

In civil-law cases, too, when the assertions of the parties are contradictory, the judge tries to determine the truth through witnesses. The underlying principle is that the plaintiff and not the accused must prove his assertions. Oaths and oath formulas are unknown. Witnesses, like the parties, are strictly obliged to [577] tell the truth, regardless of whether or not it is damaging to the witness or whether there are ties of kinship with the parties or [687] witnesses. A refusal to give testimony is not permitted; false statements are punished severely.

AKha A04
Miao AE5

/256 cont./

M 693 634 Besides the direct costs of the lawsuit, which at the least consist of the costs for food for all the persons involved in the case, there are for minor cases, two chickens and plenty of alcohol, and for major cases one or more pigs, which must be added for the great chief and the elders. Moreover, as soon as M 681 [634] the person is convicted or proved guilty, he has to pay the established fine, which is apportioned in accordance with a definite code, as soon as the decision is given by the great chief. Two-twelfths go to the arms-bearing men of the territory under the M [622] great chief; four-twelfths are distributed among the village chiefs of this territory, who use it chiefly to cover the expenses connected with their activities. They also use for this the smaller amounts which they impose independently in petty cases. M [634] The remaining six-twelfths, that is, half of the entire sum which the culprit has to pay, goes to the great chief alone and represents an important part of his income (see also the chapter, "Political Organization," the section, "Kingship and Chieftainship").

M 695 The verdict is given in accordance with definite judicial principles with which all the older men among the Meau are familiar, since this is a matter of customary law handed down for centuries.

M 673 When the verdict is given, a fundamental distinction is made between premeditation and negligence. Hence a deed is punished only if it was intentionally committed. Even for M [682] the negligent killing of a person, among the Meau the culprit is merely required to sacrifice a head of cattle for the soul of the dead.

A 692 622 693 /257/ As in almost all matters, the judicial procedure of the Akha also is considerably simpler and more primitive than that of the Meau. As has already been pointed out, the power of the village chief among the Akha is slight and cannot by any means be compared to that among the Meau. This is also apparent in the judicial procedure. Despite the fact that the Akha have no higher court, say, one comparable A [623] to the great chief of the Meau, beyond the office of the village chief, the village chief is not the supreme and therefore

39: Bernatzik--458 E-5 (1936-1937) 1947 A01 Thailand
Akha A04
Miao AE5

/Caption for Figs. 239-253 cont./

A
301 Fig. 251. Small ornamental pendant of bone, 1/5 nat. size.
531 Figs. 252-253. Rounded, hollow arm-hoop of silver, about
[321] 1/2 nat. size.

Chapter 16

Mutilations of the Body

A
M
304 Neither the Meau nor the Akha are familiar with deformations of the skull or the teeth, or any kind of circumcision at all. Just as little is any amputation of body parts undertaken.
[685] The only exception to this is the amputation of the third,
[681] fourth, and fifth fingers of one hand as punishment for recidivous thieves, as well as half of the left ear, to which the Meau condemn certain wrongdoers (see the chapter, "Law and the Administration of Justice," the section, "Criminal Law"). This, therefore, has nothing to do with a general or sacral custom of the people.

On the other hand, it is customary among the Meau, as the single custom of this kind, to pierce the ear lobes of the girls, but not of the boys, at the age of nine to eleven. One of the parents tends to this early in the morning with the help of an iron needle. A thread is then strung through the hole so that it will not grow shut again. As soon as the small wound has healed, one first sticks a small piece of wood, later silver rings, into it and widens it to a diameter of one-half to one whole centimeter (Ill. 57).[1] The natives give as the sole reason for this custom that by means of it the hole is to be produced for the wearing of earrings.

Among the Akha, too, a similar custom prevails.

1 [See cat 116, p368- ANALYST]